

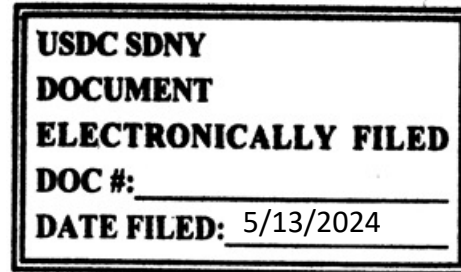


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May 13, 2024

BY ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 750
New York, New York 10007



**Re: *City of Almaty, Kazakhstan, et ano. v. Felix Sater, et al.,*
 Case No. 19 Civ. 2645 [rel. 15 Civ. 5345] (JGK) (KHP)**

Dear Judge Parker:

We represent Plaintiffs City of Almaty, Kazakhstan and BTA Bank and write regarding the Court's Order scheduling a settlement conference for Wednesday, May 15, 2024, at 10:00 a.m. [ECF No. 558 at 2 (notice); ECF No. 566 at 2 (order)]. We also respectfully request that the Court strike the offer of judgment that was filed improperly by Defendant Felix Sater, which is attached to the Court's scheduling order. *See id.* at 3-11.

With respect to the settlement conference, the Court's Order requires that "Parties must attend in-person with their counsel." *Id.* at 2. Unfortunately, our clients' representatives are in Kazakhstan and will not be able to secure visas and make other necessary travel arrangements on four-and-a-half days' notice. We will be attempting to ensure that client representatives are available to be reached telephonically instead.

Separately, our lead trial counsel, Matthew Schwartz, will be appearing before the D.C. Circuit for a mediation at 9:00 a.m. on Wednesday, May 15. This long-standing mediation involves multiple private parties in the United States and France, as well as French prosecutors and DOJ liaisons. We respectfully request that the Court adjourn the mediation in this case to 12:00 p.m. or later on Wednesday, or permit Mr. Schwartz to use the jury room in Your Honor's courtroom early in the morning so that he can appear remotely at 9:00 a.m. before the D.C. Circuit.¹

With respect to Plaintiffs' motion to strike, we respectfully request that the Court strike from the docket pages 3 to 11 of the Court's scheduling order. As we explained to Judge Koeltl, [see ECF No. 563], Sater filed an invalid offer of judgment that was in clear violation of Judge Koeltl's prior orders. [See ECF No. 412 at 3 (Memorandum Opinion and Order citing cases and striking Sater's prior offer of judgment from the docket); *see also id.* at 6 ("Moving forward, the parties should comply with the timing provisions of Rule 68")]. And as before, Sater's offer of judgment is also invalid on its face, given that "the offer purports to resolve multiple disputes"

¹ Mr. Schwartz will require a technology order to bring his laptop or other device into court to attend remotely.

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and therefore “is invalid under Rule 68.” *Id.* at 6. Here, the offer of judgment would purport to “waive any claims of Litco,” but that company is not a party and is not even controlled by Sater (it is controlled by the bankruptcy trustee overseeing his estate).

Judge Koeltl granted Plaintiffs’ request to strike Sater’s offer of judgment in an Order dated May 11. [ECF No. 564]. Judge Koeltl instructed Plaintiffs to direct their request to strike the attachment to the scheduling order to Your Honor. We respectfully request that Your Honor strike the offer of judgment that is attached to the scheduling order, which was docketed twice. [ECF No. 558 at 3-11; ECF No. 566 at 3-11].

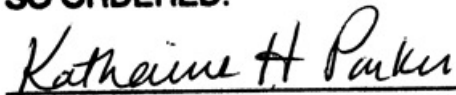
We are available should the Court have any questions.

Respectfully,

/s/ Craig Wenner
Craig Wenner

Plaintiffs’ counsel’s request to allow plaintiffs to participate in the settlement conference via phone or Zoom is GRANTED. Plaintiffs’ counsel is directed to complete and submit the form for requesting permission to bring electronic devices to the settlement conference. Plaintiffs’ counsel may use the jury room for Courtroom 17D starting at 9:00 a.m. to participate in a remote mediation. Alternatively, counsel may utilize the conference rooms opposite to the jury room. In light of Plaintiffs’ counsel preexisting commitment, the settlement conference in this matter is moved to 2:00 p.m. Additionally, the Clerk is respectfully requested to strike from the docket pages 3-11 of this Court’s scheduling order at ECF 558. This parties do not need to submit pre-settlement statements to the Court because of the Court’s existing knowledge of this case. Plaintiffs shall, however, make a counter-offer in advance of the settlement conference.

SO ORDERED:



HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 5/18/2024